



MEMORANDUM

Agenda Item No. 5(B)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution granting petition
to close SW 79 Avenue, from
SW 66 Street north for
Approximately 299 feet (Road
Closing Petition No. P-881)

The accompanying resolution was prepared by the Public Works and Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: September 4, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-881
Section: 27-54-40
SW 79 Avenue, from SW 66 Street North for Approximately 299 Feet
Commission District: 7

Recommendation

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Regulatory and Economic Resources, Public Works and Waste Management, Water and Sewer and Fire Rescue have no objection to this right-of-way being closed.

Scope

This road closing is located within Commission District 7.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at an average of \$5.60 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$70,300.00. If this right-of-way is closed and vacated, the land will be placed on the tax roll, generating an estimated \$1,316.00 per year in additional property taxes. The fee for this road closing is \$7,830.00.

Track Record/Monitor

The Public Works and Waste Management is the entity overseeing this project and the person responsible for monitoring is Mr. Raúl A. Pino, P.L.S., Chief, Land Development/Right-of-Way Division.

Background

The Petitioner, Margarita Fernandez, wishes to close SW 79 Avenue, from SW 66 Street North for approximately 299 feet, in order to incorporate the land into the proposed plat of "FERNANDEZ ESTATES", Tentative Plat Number T-23170. The right-of-way being closed dead ends at a cemetery. Therefore, this action will not adversely impact traffic flow or continuity of traffic in the area.

The subject right-of-way was dedicated in 1953, by the plat of "GREEN TREE ESTATES", recorded in Plat Book 56, Page 25, and by an instrument recorded in Deed Book 3730, Page 436, both of the Public Records of Miami-Dade County, Florida. The area surrounding the subject right-of-way is zoned EU-1 (Estates 1 Family 1 Acre District).


Alina T. Hudak
County Manager/Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 4, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

A handwritten signature in black ink, appearing to read "R. A. Cuevas, Jr.", is written over the printed name.

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
9-4-12

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 79
AVENUE, FROM SW 66 STREET NORTH FOR
APPROXIMATELY 299 FEET (ROAD CLOSING PETITION
NO. P-881)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the closing of the aforementioned road is contingent on the recording of the plat of FERNANDEZ ESTATES, tentative plat T-23170, that in the event the plat is not approved and recorded this resolution becomes null and void; (2) that the streets, roads or other places used for travel as described in the attached petition are hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

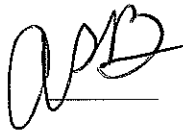
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Alex S. Bokor

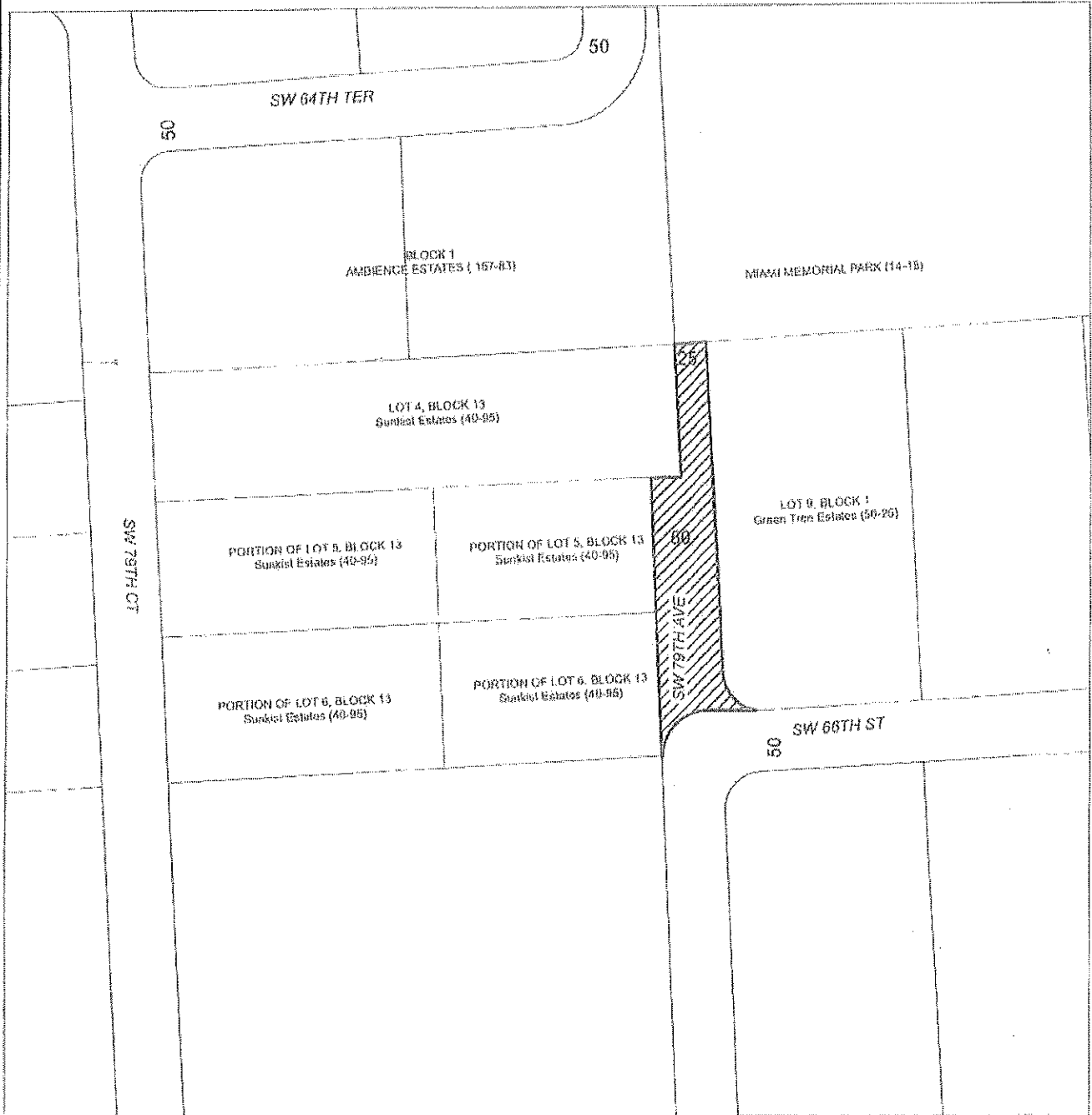




Location Map



SECTION 27 TOWNSHIP 54 S RANGE 40E



Legend



P-881 Road Closing



MDC.LOT

P-881

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Xavier L. Suarez, 7

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Land Development/Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Rev Date: May 8, 2012
Prepared By: Yasmin Nunez

6

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way sought to be closed is as follows:
Beginning at the N.E. Corner of Lot 4, Block 13 of Sunkist Estates, according to the plat thereof, as recorded in Plat Book 40 at Page 95 of the Public Records of Miami-Dade County, Florida, being also the S.E. Corner of Lot 4 Block 1 of Ambience Estates, according to the plat thereof, as Recorded in Plat Book 157 at Page 83 of the Public Records of Miami-Dade County, Florida; thence run N 89° 26' 13" E along the South boundary line of Section "A" Miami Memorial Park, according to the plat thereof, as Recorded in Plat Book 14 at Page 48 of the Public Records of Miami-Dade County, Florida for a distance of 25.00 feet to the N.W. Corner of Lot 9 Block 1 of Green Tree Estates, according to the plat thereof, as Recorded in Plat Book 56 at Page 25 of the Public Records of Miami-Dade County, Florida; thence run S 00° 01' 46" W along the West boundary line of said Lot 9, Block 1 of said Green Tree Estates for a distance of 273.62 feet to a point of curvature of a circular curve to the left, having for its elements a radius of 25.00 feet and a central angle of 90° 31' 11"; thence run Southeasterly along the arc of said curve for an arc distance of 39.50 feet to the point of tangency, being also the point of cusp; thence run S 89° 30' 35" W, along the South extended line West of said Lot 9 Block 1 of said Green Tree Estates, for a distance of 45.50 feet to a point of curvature of a circular curve to the left having for its elements a radius of 30 feet and a central angle of 89° 28' 49"; thence run Southwesterly along the arc of said curve for an arc distance of 46.85 feet to the point of tangency, being also the point of cusp and a point in the West Right-of-Way line of S.W. 79th Avenue; thence run N 00° 01' 46" E along the said Right-of-Way line for a distance of 219.48 feet, to a point in the South line of said Lot 4 Block 13 of said Sunkist Estates; thence run N 89° 21' 57" E along said South line of Lot 4 Block 13 of said Sunkist Estates for a distance of 25.00 feet to the S.E. Corner of said Lot 4 Block 13; thence run N 00° 01' 46" E along the East line of said Lot 4 Block 13 of said Sunkist Estates for a distance of 109.00 feet to the Point of Beginning and containing 12,541.11 Square feet more or less.

7

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner:

The right-of-way was dedicated by the plat of GREEN TREE ESTATES, recorded in Plat Book 56, Page 25, and by a document recorded in Deed Book 3730, Page 436, both of the Public Records of Miami-Dade County, Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon the above described right-of-way.

PRINT NAME	FOLIO NO.	ADDRESS
Juan Carlos y Margarita Fernández	30-4027-004-0090	6550 SW 79 Ave., Miami, FL 33143
Juan Carlos y Margarita Fernández	30-4027-005-2181	7895 SW 66 Street, Miami, FL 33143
Juan Carlos Sánchez	30-4027-005-2170	6501 SW 79 Court, Miami, FL 33143
Miami Memorial Park	30-4027-009-0010	P.O Box 520607, Miami, FL 33152

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The existing dedicated SW 79 Avenue north of SW 66 Street and the 12' paved road does not serve the community as a means of vehicular travel. SW 79 Avenue is a dead end road used only by the applicant and cannot continue north of the applicant's property because of the existing cemetery Miami Memorial Park and because a subdivision adjacent to the cemetery, Ambience Estates recorded in 2004 did not make provision to continue SW 79 Ave.

By closing SW 79 Avenue the owners can continue to maintain a gate as an additional means of security for their home (they have had burglaries) and the county would benefit by not having the expense of maintaining the road and gaining additional taxable property.

7. Signatures of all abutting property owners: Respectfully submitted,

SIGNATURE

ADDRESS

Juan Carlos Fernandez
Juan Carlos Fernandez

6550 SW 79 Avenue Miami, FL.

Margarita Fernandez
Margarita Fernandez

Juan Carlos Fernandez
Juan Carlos Fernandez

7895 SW 66 Street Miami, FL 33143

Margarita Fernandez
Margarita Fernandez

Juan Carlos Sanchez (See Consent Letter)

6501 SW 79 Court Miami, FL 33143

SEE ATTACHED

Miami Memorial Park (See Consent Letter)

6200 SW 77 Avenue Miami, FL 33143

SEE ATTACHED

Address: _____
Signature of Attorney not required)

[illegible]

BEFORE ME, the undersigned authority, personally appeared Juan Carlos Hernandez, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

29 day of July, 200

Notary Public State of Florida at Large



My Commission Expires

TONY TOLEDO, LLC

7365 West 15 Avenue Hialeah, FL 33014
Mobile (786)306-7706 Fax (305) 819-2043

INDEPENDENT CONSULTING

VIA HAND DELIVERY

Mr. Juan Carlos Sanchez
6501 SW 79 Court
Miami, Florida 33143

Re: Juan Carlos and Margarita Fernandez/Road Closing/Zoning Variance (the petition)

Dear Mr. Sanchez

The owners of the property located at 6550 SW 79 Avenue and 7895 SW 66 Street, Miami, Florida are petitioning the Miami-Dade County Board of County Commissioners to close SW 79 Avenue from SW 66 Street to the southern boundary of Section "A", Miami Memorial Park (14-48) (see attached sketch), and for a zoning variance to the residence located at 6550 SW 79 Avenue, required because of the road closing.

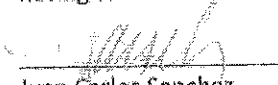
As part of the petition the Miami-Dade County Public Works and Planning and Zoning Department request that the applicant approach the adjacent property owner for their consent to the petition. The road closing of SW 79 Avenue a dead-end road and the setback variance would be consistent and compatible with the surrounding areas.

We look forward to your support of the application. Please do not hesitate to contact me if you have any questions or concerns. Thank you for your attention to this matter.

Very truly yours


Tony Toledo

I Juan Carlos Sanchez do not object to and support the road closing application outlined above, provided however, that in the event the above-referenced petition is approved, then Juan Carlos and Margarita Fernandez and/or their successors, heirs and assigns agree to execute an agreement and any other documents that may be required to create a legally binding easement and right of way to the property having an address of 6501 SW 79 Court, Miami, Florida.


Juan Carlos Sanchez

Date: 9/7/10

My phone number 305-279-2300


Armanda Sanchez


Date: 9/7/10

My phone number _____

Agreed and accepted by:


Juan Carlos Fernandez

Date: 9-7-10


Margarita Fernandez

Date: 9-7-10

Enclosures

cc: Pablo Rodriguez-P/W
Ronald Connally-DP&Z

TONY TOLEDO, LLC

7365 West 15 Avenue Hialeah, FL 33014
Mobile (786)306-7706 tonyconsulting@aol.com

VIA - HAND DELIVERED

Miami Memorial Park
Mr. Manuel Guara Manager
c/o SCI Funeral Services of Fla. Inc.
7355 SW 117 Avenue
Miami, Florida 33173

Re: Juan Carlos and Margarita Fernandez/Road Closing/Zoning Variance (the petition)

Dear Mr. Guara

The owners of the property located at 6550 SW 79 Avenue and 7895 SW 66 Street, Miami, Florida are petitioning the Miami-Dade County Board of County Commissioners to close SW 79 Avenue from SW 66 Street to the southern boundary of Section "A", Miami Memorial Park (14-48) (see attached sketch), and for a zoning variance to the residence located at 6550 SW 79 Avenue required because of the road closing.

As part of the petition the Miami-Dade County Public Works and Planning and Zoning Department request that the applicant approaches the adjacent property owner for their consent to the petition. The road closing of SW 79 Avenue a dead-end road that is only used by the applicants, and the setback variance would be consistent and compatible with the surrounding areas.

We look forward to your support of the application. Please do not hesitate to contact me if you have any questions or concerns. Thank you for your attention to this matter.

Very truly yours

Tony Toledo



do not object and support the road closing application outline above.

My phone number 305/722-4017

Enclosures

cc: Pablo Rodriguez-P/W
Ronald Connolly-DP&Z